

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6455

LARRY ANDRA MCKINNEY-BEY,

Petitioner - Appellant,

versus

ATTORNEY GENERAL OF THE UNITED STATES;
KATHLEEN HAWK-SAWYER,

Respondents - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CA-03-115)

Submitted: May 15, 2003

Decided: May 29, 2003

Before LUTTIG and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed in part and affirmed in part as modified by unpublished per curiam opinion.

Larry Andra McKinney-Bey, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Larry Andra McKinney-Bey seeks to appeal the district court's order denying relief on his habeas corpus action filed under 28 U.S.C. § 2241 (2000). In his petition, Appellant sought an immediate transfer from prison to a half-way house and monetary damages for delaying his transfer. A review of the record indicates that Appellant received the transfer on April 30, 2003; thus, his request for habeas relief is moot. See Nakell v. Attorney Gen. of N. Carolina, 15 F.3d 319, 322 (4th Cir. 1994) (a case becomes moot when the issues presented are no longer live, or when parties lack a cognizable interest in the outcome). Therefore, we deny a certificate of appealability and dismiss the appeal as to this claim.

To the extent that Appellant sought money damages, such relief is not available under § 2241. As the district court found, an action for monetary damages is properly pursued by way of a civil rights action. Thus, we affirm the district court's dismissal of Appellant's claim for money damages, noting that the dismissal is without prejudice as to Appellant's right to bring a civil rights action against the appropriate defendants for monetary damages. However, we express no opinion regarding the merits of such an action.

Accordingly, we deny a certificate of appealability and dismiss Appellant's habeas corpus claim as moot, and affirm the

dismissal of Appellant's action for money damages, as modified. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid in the decisional process.

DISMISSED IN PART, AFFIRMED
IN PART AS MODIFIED